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### Energetic. Engaging. Funny. Fair. And A Little Intimidating.

Maureen O'Connor

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*Chief Justice Maureen O'Connor*<sup>†</sup>

ENERGETIC. ENGAGING. FUNNY. FAIR.  
AND A LITTLE INTIMIDATING.

That is how some members of my staff describe the venerable Lewis Katz, the John C. Hutchins Professor of Law at the Case Western Reserve University School of Law.

As he retires from a stellar and remarkable teaching career spanning more than five decades, it is a pleasure to honor his life's work.

Like his former students, I remember my favorite law-school professors because they were both encouraging and demanding of their students. Teaching is a calling, but teaching in a way that your students appreciate, respect, enjoy, and flourish is a gift. Professor Katz has that gift. We all remember law school; its trials and tribulations, its boring lectures, and, at times, its sense of bewilderment. We can appreciate these students' loyalties to Professor Katz and his approach to teaching.

Possibly his greatest service to the state is his recognized treatise on Ohio criminal law.<sup>1</sup> Beginning early in his career, he established himself as a premier authority on criminal law, and his work has been cited hundreds of times, including by our Court<sup>2</sup> and the Supreme Court of the United States.<sup>3</sup> What does this say about him, the individual? That we trust and respect his work, his opinions, and his interpretation of statutes and constitutions.

As a former common-pleas judge and prosecutor, his treatise, the *Ohio Rules of Criminal Procedure*, and guides to arrests, searches and seizures were not unlike Scripture: kept nearby and within reach for reference and reassurance. To say his works were required reading for courtroom practitioners and peace officers is an understatement. They are all undoubtedly grateful that his written works were and are available.

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<sup>†</sup> Chief Justice Maureen O'Connor is the 10th chief justice of the Ohio Supreme Court and the first woman in Ohio history to lead the Ohio judicial branch.

1. See LEWIS R. KATZ & PAUL C. GIANNELLI, CRIMINAL LAW (Baldwin's Ohio Practice, 3d ed. 2009).
2. See, e.g., *Ohio v. Talty*, 814 N.E. 2d 1201, 1208 (Ohio 2004) (Pfeifer, J., dissenting) (citing Burt W. Griffin & Lewis R. Katz, *Sentencing Consistency: Basic Principles Instead of Numerical Grids: The Ohio Plan*, 53 CASE W. RES. L. REV. 1 (2002)).
3. See *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975) (citing LEWIS R. KATZ ET AL., JUSTICE IS THE CRIME: PRETRIAL DELAY IN FELONY CASES 51-62 (1972)).

It's a wonder that he answered the phone when he saw a number calling from the 614 area code; but time and again, state officials in Columbus sought his expertise and help in crafting the next rewrite of the law or the rules that execute those statutes.

In the early 1990s, Professor Katz advised the Ohio Criminal Sentencing Commission on a new plan for felony sentencing in Ohio, advocating for the then-unique structure—sans numerical grids—being considered as S.B. 2. He and Judge Burt Griffin crafted a thoughtful case for Ohio to base its guidelines on basic sentencing principles. This system was predicted to foster greater consistency and predictability in sentencing, resulting in sentencing laws that were fair to defendants, just for society, and sensible for public dollars.

Most Ohioans may not know his name, but there is no doubt that his work to help create fair and just criminal-sentencing laws in our state has touched many. For those who found themselves before a judge awaiting judgment, his work helped to assure a fair sentence; for the rest of us, comfort in justice served.

Unfortunately, it seems that these efforts are cyclical. The state's jails and prisons are filled beyond capacity and the state, counties, and communities spend dollars that are needed elsewhere on incarceration instead. We find ourselves once again in the midst of studies and debate in an effort to reform Ohio's criminal sentencing in a way that addresses society's latest ills.

Outside of the law school, his work is admired and incredibly respected. An expert on the Fourth Amendment, Professor Katz's frequent writings remind us of how fragile the Bill of Rights' guarantees of certain individual rights and freedoms can be in practice. And he held accountable both law enforcement and courts at all levels when their actions or rulings strayed from the Constitution's basic assurances.

During Professor Katz's fifty-year tenure, we have seen remarkable societal change that affects so many facets of Americana, change that has created a revolution of sorts for how attorneys practice the law. Attorneys in the United States are no longer simply criminal or civil attorneys. They define their practices in countless new ways. We have seen a proliferation in the practices of tax law, international law, corporate law, environmental law, consumer law; add to those maritime, bankruptcy, human rights, regulation, contracts, entertainment, sports, elder care, employment, torts, probate, real estate and development, children and families, health care, science, liability, and many other areas of law. And aside from the expected and constant evolution of criminal and civil law, courts today focus on efficiencies to create fairness and expediency by utilizing the services of numerous specialized dockets, and amending practices in pretrial services, including fines, fees, and bail, as well as jury service and victim advocacy. Today's lawyers focus on alternatives to courtroom battles by utilizing conflict-resolution services such as mediation and arbitration.

Finally, as attorneys, we pledge ourselves to a lifetime of ethical behavior, with the Professional Code of Conduct and the Code of Judicial Conduct serving as our guiding principles in the practice of law. So while the practice of law itself has changed, the law student has changed as well. There is no doubt then that Professor Katz has witnessed a growth in his students over the years, in their intellect and preparation, but also in their expectations and intentions for their legal careers.

It is important to note that at least a few of his former students said they never dreaded going to his classes. And, reliably, many of his former students said they went out of their way to take his classes—a resounding endorsement from CWRU law students, including several who are on my staff!

It is certain, too, that Professor Katz touched and blessed countless others—students, colleagues, and staff—during his lengthy tenure at Case Western Reserve University School of Law.

Upon his retirement, law students will miss his engaging and energetic teaching. His colleagues will miss his wit and thoughtful counsel. And the rest of us will miss his wisdom, activism, and dedication to fairness in our laws, sentencing, rules, and procedures as we all strive to uphold the rule of law.

On behalf of my colleagues on the Supreme Court of Ohio, I wish Professor Katz and his family much happiness and good health, and a much-earned opportunity to do the things they love and enjoy together.

God bless.